

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JEFFREY CLINTON VACCARO,
#1275094,

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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Case No. 6:19-CV-137-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. Docket No. 2. The Report and Recommendation of the Magistrate Judge (Docket No. 12) recommended that the petition for writ of habeas corpus be dismissed with prejudice. It was further recommended that a certificate of appealability should be denied. Petitioner filed written objections. Docket No. 18.

The Court reviews objected-to portions of the Magistrate Judge's Report and Recommendation de novo. *See* FED. R. CIV. P. 72 and 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court conducting a de novo review examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).


The Report recommended dismissal of Petitioner's petition with prejudice. Petitioner's

challenge to his prison disciplinary case is not cognizable because he is not eligible for release on mandatory supervision. Having reviewed Petitioner's objections de novo, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct.

Accordingly, it is hereby **ORDERED** that the Report and Recommendation (Docket No. 13) is **ADOPTED**. It is further

ORDERED that the petition for a writ of habeas corpus is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**. All motions not previously ruled on are **DENIED AS MOOT**.

So **ORDERED** and **SIGNED** this **29th** day of **June, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE